SUBJECT No. 19.

Amendment to Civil Procedure Code.

Mr. C. Krishnamurti, Law Association, Bangalore.

Summary of discussion.—The Civil Procedure Code may be so amended as to prescribe the procedure to be adopted when suits are filed against the Government.

Reply of Government.—Will be considered.

SUBJECT No. 20.

Amendment of Order XVIII, Rule 5 of Civil Procedure Code.

Mr. B. Narasinga Rao, Seringapatam taluk.

Summary of discussion.—Section 182 of the Civil Procedure Code of 1882 contained a provision that the deposition of witnesses should be read in court in the presence of the judge, witnesses and parties or their pleaders. Order XVIII, Rule 5 of the new Code does not require the presence of parties or their pleaders when the depositions are being read. This has caused a great deal of inconvenience to parties. It is therefore prayed that the rule may be so amended as to bring it into conformity with the old provision.

Mr. Lakshmanagowda.—Some judges do not record portions of witness' statements which they consider unimportant. It is very necessary that the statements recorded should be read out to the witness in the presence of the judge. It is not sufficient for the court clerk to read out the deposition to the witness in a separate room as is being done now.

Reply of Government.—The practice referred to above is improper and will be brought to the notice of the Chief Court.

SUBJECT No. 21.

Amendment of the Criminal Procedure Code.

Mr. Ramaswamiengar, Hassan taluk.

Summary of discussion.—Under the Criminal Procedure Code, there is no provision to appeal against certain sentences passed by First Class Magistrates. As this leads to hardship, it is prayed that the code may be so amended as to allow appeal against any sentence passed by any Magistrate.

Reply of Government.—Cannot be done.

JUDICIAL.

(Nos. 22 to 57.)

SUBJECT No. 22.

A Judicial Conference.

Messrs. Padmanna and K. Venkatasamiya, Nanjangud taluk.

Withdrawn.

SUBJECT No. 23.

A controlling Judicial Council over Chief Court.

(*a*) Mr. K. S. Santanam Iyengar, Closepet municipality.
(*b*) Messrs. Padmanna and K. Venkatasamaiya, Nanjangud taluk.

Summary of discussion.—(*a*) A Judicial Council consisting of retired High Court Judges and eminent lawyers of ripe experience from various parts of India, may be established to serve as a controlling judicial authority over the decisions of the Chief Court of Mysore.

(*b*) Appeals against the orders of the Chief Court may be allowed before the Council of His Highness the Maharaja, in cases where the Chief Court grants certificates and gives permission as in the case of appeals to the Privy Council from the decisions of High Courts.

(*a*) *Mr. Santanam Iyengar.*—Some kind of controlling authority over the Chief Court is necessary. In British India, litigants can have an appeal to the Privy Council over the decisions of High Courts.

Reply of Government.—(*a*) Cannot be done.

(*b*) Withdrawn.

SUBJECT NO. 24.

Improvement of Judicial Department.

(1) Mr. H. Narasinga Rao, Bar Association, Mysore.
(2) Mr. Surasastri, Chikballapur taluk.
(1 to 5) Mr. B. Narasinga Rao, Seringapatam taluk.

Summary of discussion.—The Judicial Department is no less technical than the Engineering or the Medical and it requires as much specialising as either of them in view of the minute intricacies of law and ever increasing mass of literature on the several branches of law.

(1) The Munsiffs, the Subordinate Judges, the City Magistrates, the Special Magistrate of Gold Fields and the Registrar of the Chief Court, the District Judges and the Judges of the Chief Court should form a separate cadre by themselves and no officer foreign to the department should be brought into it. Officers in the department should be given to understand that they ought to look for promotion in the department itself.

(2) Only practising advocates of not less than 5 years' standing should be selected to the post of Munsiffs.

(3) Regarding the higher appointments in the cadre a fair proportion may be reserved for officers in the department, and the remainder filled up by the appointment of practising advocates of approved ability of not less than 10 years' standing.

(4) The Chief Court should be entrusted with the power to initiate proposals for appointments or promotions from lower ranks to higher ranks of service.

(5) This method of recruitment if pursued will enable an officer to preserve his independence which is essential to the administration of justice and will generally act as an incentive to hard and honest work, to continuous study to keep abreast of the times and to make a mark with a view to reach the top-most step in the ladder.

Mr. B. Narasinga Rao represented that the Judicial Department should be regarded as a technical department and that all judicial officers, including the City and Special Magistrates should be formed into one cadre and promotions in the department given among them only. He said that the Bar were grateful for the appointment of Mr. Subbanna as Sub-Judge and urged that the Munsiffs should be recruited solely from among advocates of five years' standing and that the Chief Court should be given the initiative in all matters of appointment.

Reply of Government.—This is being done as far as possible. The members' suggestions will be noted.